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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,217	11/08/2000	Kaneaki Fujishita	6640/60186	8816

7590 03/02/2005

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1185 Avenue of the Americas
New York, NY 10036

EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/600,217	Applicant(s) FUJISHITA, KANEAKI	
	Examiner Laura A Grier	Art Unit 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Steenbrugge in view of Van Steenbrugge, U. S. Patent No. 6076062 (herein, Steenbrugge-062).

Regarding claims 1 and 10, Van Steenbrugge disclose an apparatus and method for reproducing a digital audio signal from a record carrier. Van Steenbrugge disclosure comprises two modes of decoding: PCM decoding and MPEG decoding; Van Steenbrugge's channel status indicates whether zero data continues for a predetermined period of time based on the status channel indicating what type of audio information stream is being supplied via the IEC 958 interfaces (col. 3, lines 26-31 and 64-67 – col. 4, lines 1-6, and figure 1);

wherein, when the channel status is "1", the supplied audio is an MPEG encoded signal, which inherently reads on compressed audio data and inherently reads on the detection of zero data as evident by the fact that the audio signal is an MPEG encoded signal, and wherein

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compressed data is the same as zero data; then the coded signal transmitted to decoder 24, which reads on 1st decoding operation (col. 4, lines 21-26)

when the channel status is "0", the audio is being transmitted in a normal mode, PCM encoded signal, which reads on uncompressed audio and non-zero data, and then the coded signal transmitted to decoder 24, which reads on 2nd decoding operation (col. 4, lines 6-20);

wherein the detection of continuous zero data and non-zero data is based upon a predetermined period of time (col. 4, lines 27-67 and col. 5, lines 17-33);

the 1st decoding operation being based upon a sync signal of the supplied audio is inherently discloses as evident by the time intervals/slots to identify the supplied data (col. 4, lines 50-53); and

IEC 958 interfaces inherently indicates a storing the supplied data for a predetermined period of time for determining whether or not the data is uncompressed (non-zero data) or compressed (zero data), as evidence by the fact that status channel identification is output from the interfaces, thus upon indicating that the supplied information data of the audio signal is "0", and in normal audio mode with PCM encoded audio, the 2nd decoding operation takes places as previously indicated. Van Steenbrugge's channel selection or channel status is based upon the channel selection by a user. Thus, failing to specifically disclose detecting compressed or uncompressed data.

Regarding the detection of compressed or uncompressed data, Steenbrugge-062 discloses in a similar field of endeavor a DSP decoder which detects the presence of data such as audio data, and null data or pause data, etc., which indicated detection of compressed or uncompressed data and which implements alternate phases of decoding (col. 2, lines 22-35).

Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Van Steenbrugge by implementing a decoder that is able to detect the presence of audio data, and null data or pause data, etc. in a bitstream data signal for the purpose of altering and thus optimizing the decoding process.

Regarding claim 5, Van Steenbrugge and Steenbrugge-062 disclose everything claimed as applied above (see claim 1). Van Steenbrugge and Steenbrugge-062 (Van Steenbrugge) further discloses muting during the decoding transitions (col. 4, lines 41-46 and col. 5, lines 17-30).

Regarding claim 6, Van Steenbrugge and Steenbrugge-062 discloses everything claimed as applied above (see claim 1). Van Steenbrugge and Steenbrugge-062 (Van Steenbrugge) inherently discloses the operation for detecting whether the zero data continues for predetermined period on time is repeated as evidence by the continuous frames supplied information frames supplied via the interface.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 5-6 and 10 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues that Van Steenbrugge, U. S. Patent No.6694030, fail to disclose the detection of zero data and non-zero data for implementing the a 1st and 2nd decoding phases. The Van Steenbrugge U. S. Patent No.6694030 has been maintained as the primary reference of prior art, along with another supporting reference of prior art by Steenbrugge (U.S. Patent No. 6076062), which discloses a DSP decoder that teaches detecting the presence of audio

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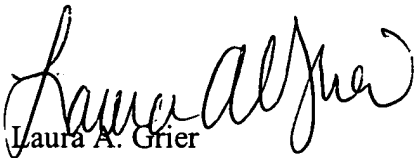
data, and null data or pause data, etc., (non-zero data), wherein upon the detect alters the decoding process.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura A. Grier
February 26, 2005